

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO.: 3:12-CR-723-MBS
)	
v.)	
)	
RICHARD J. BREIBART)	

PRELIMINARY ORDER OF FORFEITURE

This matter is before the court on the motion of the United States for a Preliminary Order of Forfeiture as to Defendant Richard J. Breibart ("Breibart," "Defendant"), based upon the following:

1. On September 19, 2012, a multi-count Indictment was filed charging Breibart with the following:

Counts 1, 5, 7, & 9: Mail fraud, in violation of 18 U.S.C. § 1341;

Counts 2, 4, 6, 8, & 10: Extortion, in violation of 18 U.S.C. § 1951;

Count 3: Wire fraud, in violation of 18 U.S.C. § 1343.

2. Pursuant to Fed. R. Crim. P. 32.2(a), the Indictment contained a forfeiture allegation providing that upon Breibart's conviction, certain properties enumerated therein, or equivalent substitute assets, would be subject to forfeiture to the United States. As specified therein, such assets include, but are not limited to the following:

A. Proceeds/ Money Judgment¹:

A minimum of approximately \$1,100,000.00 in United States currency, and all interest and proceeds traceable thereto, in that such sum equals the value of proceeds the Defendant obtained, directly or indirectly, as the result of his violations of 18 U.S.C. §§

¹ Defendant consented to a money judgment in the amount of \$2,500,000.00 representing the amount of gross proceeds of the offense(s) of conviction in his plea agreement. Thus the government seeks a \$2,500,000.00 money judgment.

1341, 1343, and/or 1951, as charged in the Indictment.

3. On August 28, 2013, Breibart pleaded guilty to Count 5 of the indictment.

4. Based upon Defendant's conviction, the court has determined that the money judgment described above is subject to forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c).

5. The court has determined that the government has established the requisite nexus between the money judgment and the offense for which Breibart has been convicted; therefore, the United States is entitled to a preliminary order of forfeiture, subject to the provisions of 21 U.S.C. § 853 governing third party rights.

Accordingly, it is hereby **ORDERED**,

1. The below-described money judgment, and all right, title, and interest of Defendant Richard J. Breibart, in and to such judgment, is hereby forfeited to the United States of America, for disposition in accordance with law, subject to the rights of third parties in such property under 21 U.S.C. § 853(n).

2. FORFEITURE IS ORDERED against Breibart and in favor of the United States in the amount of \$2,500,000.00, along with appropriate costs and interest thereon at the rate provided for in 28 U.S.C. § 1961. The United States may at any time move pursuant to Rule 32.2(e) to amend this Order to substitute property to satisfy the money judgment.

3. The United States may sell or otherwise dispose of any substitute assets in accordance with law as required to satisfy the above imposed money judgment.

4. Upon the entry of this Order, the United States Attorney is authorized to conduct proper discovery in identifying, locating, or disposing of the described money judgment, or other substitute assets, in accordance with Fed. R. Crim. P. 32.2(b)(3); and to commence proceedings that comply with statutes governing third party rights, if applicable.

5. The government is not required to publish notice regarding the personal money judgment against Defendant; however, the Order shall be recorded in the records of the County Clerk's Office in the County of the debtor's residence, place of business, and any and all other counties in which the debtor has either real or personal property, as a lien thereon.

6. Upon entry of the criminal judgment, this Order becomes final as to Defendant, and shall be made a part of the sentence and included in the criminal judgment.

7. The court shall retain jurisdiction to enforce this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

8. The Clerk, United States District Court, shall provide one (1) certified copy of this Order to the United States Attorney's Office.

AND IT IS SO ORDERED.

/s/ Margaret B. Seymour
SENIOR UNITED STATES DISTRICT JUDGE

October 4, 2013
Columbia, South Carolina